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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,174	03/15/2001	Craig McCoy	10004231-1	7078

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EXAMINER

KENDALL, CHUCK O

ART UNIT PAPER NUMBER

2122

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,174

Applicant(s)

MCCOY ET AL. 

Examiner

Chuck Kendall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed 08/05/04.
2. Claims 1 – 29 have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 8, 10 – 15, 17 – 24 & 26 – 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson USPN 6,427,165 B1 in view of Alexander et al. USPN 6,134,593 (hereinafter “Alexander”).

Regarding claim 1, Anderson discloses a method (7: 56 – 9:19), a product (program 9: 19 – 10: 50), readable medium (3: 25 – 30) of installing components of a software product on a first network server device coupled to a network (7:5 – 8), the components of the software product providing the first network server device the capability to provide a first service to a plurality of server-assisted network devices coupled to the network, the method comprising:

automatically detecting with the first network server device a first set of server-assisted network devices coupled to the network that are eligible to use the first service (6:45 – 50, for eligible see predetermined parameters);

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automatically transmitting device information based on the detected server-assisted network devices to a second network server device (7:4 – 10);

automatically installing components of the software product on the first network server device (7:5 – 8). Anderson doesn't explicitly disclose receiving license information from the second network server device based on the transmitted device information. Although Anderson doesn't disclose licensing information, Anderson does discuss predetermined criterion for accessing nodes and also securing and verifying transactions before access is granted (4: 55 – 65). Alexander shows in an analogous art an installer identifier that identifies licensing information for verification purposes during installing in a distributed environment (8: 17 – 25). Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine Anderson and Alexander because, providing licensing information during program downloading and installation in a distributed environment makes the system more secure.

Regarding claim 2, the method of claim 1, and further comprising: automatically installing components of the software product on each server-assisted network device in the first set (Anderson, 2: 52 – 60, also see FIG.1)

Regarding claim 3, the method of claim 1, and further comprising: displaying an information screen identifying the number of server-assisted network devices in the first set (Anderson, 6: 55 – 60).

Regarding claim 4, the method of claim 1, and further comprising: displaying cost information based on the number of server-assisted network devices in the first set, the cost

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information representing the cost to install components of the software product and provide the first service to the server-assisted network devices in the first set (Anderson, 4: 53 – 55).

Regarding claim 5, the method of claim 1, and further comprising: receiving payment information identifying a means of payment for use of the software product (Anderson, 4: 55 – 60).

Regarding claim 6, the method of claim 5, and further comprising: automatically transmitting the payment information to the second network server device (Anderson, 4: 60 – 65).

Regarding claim 7, Anderson discloses all the claimed limitations as applied in claim 1, but doesn't explicitly disclose storing the received license information on the first network server device. Anderson also teaches generally that a node may be restricted for access to only qualified users. Alexander shows provision of licensing information in analogous art (8: 17 – 25), as well as storing the information (8: 25 – 30). Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine Anderson and Alexander because, being able to store the licensing information, would enable the system to keep a list of licensed information as well as would make future access from particular nodes more efficient.

Regarding claim 8, see rationale as previously discussed above in claim 7, which claims similarly to above in reference to storing licensing information.

Regarding claim 10, the method of claim 1, wherein each server-assisted network device in the first set is one of a personal computer, printer, scanner, and a digital sender device (Anderson, FIG.1, see 118,120 & 122, and associated text).

Regarding claim 11, the method of claim 1, and further comprising: receiving device selection information from a user identifying server-assisted network devices in the first set that are to be provided the first service (Anderson, 5:50 – 55).

Regarding claim 12, the method of claim 11, and further comprising: automatically installing components of the software product on each identified server-assisted network device (Anderson, 7: 5 – 11).

Regarding claim 13, the method of claim 11, and further comprising: displaying cost information based on the number of identified server-assisted network devices, the cost information representing the cost to install components of the software product and provide the first service to the identified server-assisted network devices (Anderson, 4: 50 – 56, see fee and access).

Regarding claim 14, which is the product version of claim 1, see rationale as previously discussed above.

Regarding claim 15, which is the product version of claim 2, see rationale as previously discussed above.

Regarding claim 17, which is the computer readable medium version of claim 1, see rationale as previously discussed above.

Regarding claim 18, which is the computer readable medium version of claim 2, see rationale as previously discussed above.

Regarding claim 19, which is the computer readable medium version of claim 3, see rationale as previously discussed above.

Regarding claim 20, which is the computer readable medium version of claim 4, see rationale as previously discussed above.

Regarding claim 21, which is the computer readable medium version of claim 5, see rationale as previously discussed above.

Regarding claim 22, which is the computer readable medium version of claim 6, see rationale as previously discussed above.

Regarding claim 23, which is the computer readable medium version of claim 7, see rationale as previously discussed above.

Regarding claim 24, which is the computer readable medium version of claim 8, see rationale as previously discussed above.

Regarding claim 26, which is the computer readable medium version of claim 10, see rationale as previously discussed above.

Regarding claim 27, which is the computer readable medium version of claim 11, see rationale as previously discussed above.

Regarding claim 28, which is the computer readable medium version of claim 12, see rationale as previously discussed above.

Regarding claim 29, which is the computer readable medium version of claim 13, see rationale as previously discussed above.

5. Claims 9, 16 & 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson USPN 6,427,165 B1 in view of Alexander et al. USPN 6,134,593 (hereinafter

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“Alexander”) as applied in claim 1, 14, and 17 and further in view of Barrett et al. USPN 5,647,056.

Regarding claims 9 & 16, Anderson and Alexandria disclose all the claimed limitations as applied in claims 1 & 14. The combination of Anderson and Alexander does not explicitly disclose automatically installing firmware on each server-assisted network device in the first set to support the first service. However, Barrett does disclose loading firmware in a similar configuration (FIG.24, S2403), for multiple terminals. Therefore it would have been obvious to one of ordinary skill in the art at the time then invention was made to combine Anderson and Alexander with Barrett because, installing or loading firmware in a network from a remote location makes installing needed files more efficient.

Regarding claim 25, which is the computer readable medium version of claim 9, see rationale as previously discussed above.

Response to Arguments

6. Applicant's arguments filed 08/05/2004 have been fully considered but they are not persuasive.

Argument (1), Applicant argues on page 9 of response dated 08/05/2004 that in claims 1, 14 and 17 neither Anderson nor Alexander discloses “ a method of installing components of a software product on a first network server device coupled to a network, the components of the software product providing the first network server device the capability to provide a first service to a plurality of server assisted network devices”.

Response (1), Examiner believes that Anderson does in fact disclose this functionality. As set forth above in claims and as disclosed in Anderson in 7: 5 – 8, Anderson discloses obtaining updates and needed programs by downloading the information into a handling system 100. The handling system as then processes the downloaded content as discussed in 3: 7 – 20. Examiner interprets installing to be loading and processing or executing and Anderson does perform that.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-2723698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-2723695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.



TUAN DAM
SUPERVISORY PATENT EXAMINER